

NEW SECTION

WAC 220-40-03100J Willapa Bay spring white sturgeon fishery.

Notwithstanding the provisions of WAC 220-40-031, effective April 8 through April 30, 2013, it is unlawful to fish for sturgeon in Willapa Bay for commercial purposes or to possess sturgeon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gillnet gear may be used to fish for white sturgeon:

Time	Area
12:01 a.m. April 8 through 11:59 p.m. April 30, 2013	Salmon Management and Catch Reporting Area (SMCRA) Area 2T easterly of a line from the most northerly upland at Leadbetter Point (approximately 46° 38' 12" N, 124° 3' 31" W) to the eastern most upland at Toke Point (approximately 46° 42' 18" N, 123° 58' 00" W); and areas 2U, 2R, 2N, and 2M.

The Tokeland Boat Basin is closed to commercial fishing during the openings in SMCRA 2T described in this section. The Tokeland Boat Basin means that portion of SMCRA 2T bounded on the south by the shoreline of the boat basin, on the west by the seawall, and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

(2) Gillnet gear restrictions - All areas:

- (a) Drift gillnet gear only. It is unlawful to use set net gear.
- (b) April 8 through April 30, 2013 9-inch minimum mesh.

Other

- (3) All white sturgeon that do not meet size limit requirements, all salmon, all green sturgeon, and all steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay.
- (4) White sturgeon, when lying on their side, are measured from the tip of the nose to the fork of the tail, this measurement is referred to as the fork length. All white sturgeon to be retained must have a fork length measure of no less than 43 inches and no more than 54 inches.
- (5) Quick reporting is required (WAC 220-69-240) by 10:00 a.m. the day following landing for wholesale dealers and fishers retailing their fish.

- (6) Fishers must take department observers, if requested by WDFW staff, when participating in these openings and provide Notice of Intent via phone, fax, or e-mail to participate in Quick Reporting, WAC 220-69-240, prior to 10:00 a.m. April 8, 2013.
- (7) Report ALL encounters with Chinook, green sturgeon and steelhead (your name, date of encounter, and number of species encountered) to the Quick Reporting office via phone at 866.791.1280, via fax at 360.249.1229, or e-mail at harborfishtickets@dfw.wa.gov. Wholesale Dealer may use the 'buyer only' portion of fish tickets and must include their reporting of encounters with each day's Quick Report.
- (8) Retrieve any information from spaghetti tags near the dorsal fin on green or white sturgeon. Do NOT remove tags from white sturgeon that may not be retained or green sturgeon. For retained white sturgeon, please submit tags to the Washington Department of Fish and Wildlife, 48 Devonshire Rd., Montesano, WA, 98563.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 1, 2013:

WAC 220-40-03100J Willapa Bay spring white sturgeon fishery.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(x) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

() That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

() That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Harvestable white sturgeon are available within the Willapa Bay management guideline for a commercial fishery. The fishery will close early if catch approaches the guideline. There is insufficient time to adopt permanent rules.

(13-61, 4/2/2013)